

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the  
Middle District of Florida

TYRONE KEYS

*Plaintiff*

v.

BERT BELL/PETE ROZELLE NFL PLAYER  
RETIREMENT PLAN, et al.

*Defendant*

Civil Action No. 8:18-cv-02098-CEH-JSS

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Synchrony Bank, Attn: Legal Department, 170 West Election Road, Suite 125, Draper, UT 84020 Salt Lake County

*(Name of person to whom this subpoena is directed)*

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: Attn: Michael Junk, Groom Law Group, 1701  
Pennsylvania Ave. NW, Washington, DC 20006

Date and Time:

08/20/2019 5:00 pm

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/05/2019

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

*Attorney's signature*

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Bert Bell/Pete Rozelle NFL Player Retirement Plan, NFL Player Disability & Neurocognitive Benefit Plan, who issues or requests this subpoena, are:

Michael Junk, Groom Law Group, 1701 Pennsylvania Ave. NW, Wash., DC 20006, mjunk@groom.com, 202-861-5430

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**SPECIFIC REQUESTS FOR PRODUCTION OF DOCUMENTS**

REQUEST NO. 1: **Monthly account statements** of all accounts maintained or controlled by any of the following individuals:

Name	Social Security Number
Tyrone P. Keys	-5590
Bessie R. Keys	-6325

REQUEST NO. 2: **Signature cards** for all accounts identified in responding to Request No. 1.

REQUEST NO. 3: Documents which identify **all disbursements** from the accounts identified in Request No. 1, and the **recipients of all such disbursements** from the accounts identified in responding to Request No. 1, including but not limited to, wire transfers, electronic funds transfers, money orders, cashier's checks or cash disbursements from the accounts.

REQUEST NO. 4: **Deposit slips and deposit items or transfers**, and other documents relating to any deposits, into the accounts identified in responding to Request No. 1.

REQUEST NO. 5: **Bank drafts, manager's checks, treasurer's checks, debit, credit, or wire transfer memos**, and other documents relating to any deposits or withdrawals involving all accounts identified in responding to Request No. 1.

**RELEVANT TIME PERIOD**

The relevant time period is January 1, 1992 to the present.

**DEFINITIONS**

The following definitions apply to and are expressly incorporated into the description of documents subject to this Subpoena:

1. The term “Documents” should be broadly construed to include, without limitation, hardcopy documents; documents generated, recorded, or maintained in electronic or digital form; and all reasonably accessible electronic data, such as databases or spreadsheets.

### **INSTRUCTIONS**

1. In searching for, collecting, and producing Documents in response to this Subpoena, you are required to search for, collect, and produce all Documents in your possession, custody, or control.

2. In searching for and collecting Documents, you should search for and collect from all locations where such Documents may be kept or stored in the ordinary course of business.

3. If there are no Documents responsive to a particular request, you should state that fact in writing.

4. Documents produced in response to this Subpoena should not be excerpted, altered, or modified, except to redact information privileged or immune from discovery.

5. If you object to any portion of a request, you should produce all Documents responsive to any portion of the request to which you do not object.

6. The requests in this Subpoena are a continuing demand for the production of Documents described herein. If, at some point after the service of the Subpoena on you, a Document is located or is created that is responsive to one of the requests herein, these requests are to be interpreted as demanding production of that Document.

7. All responsive documents should be produced in PDF format. Documents that are not easily converted to PDF format should be produced in native format. If you object to the requested form of production, you should state the form you intend to use.

**QUESTIONS**

If you have any questions at all, including questions about the scope of this Subpoena or the format for the production, please contact:

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Washington, DC 20006  
T: (202) 861-5430  
F: (202) 659-4503  
E: [mjunk@groom.com](mailto:mjunk@groom.com)